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April 2, 2018

The Honorable Judge John G. Koeltl  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street  
New York, NY 10007-1312

***Re: 1:18-cv-00226-JGK, Malibu Media, LLC v. John Doe Assigned IP Address 24.215.161.5 - Plaintiff's Letter-Motion to Adjourn the Initial Rule 16 Scheduling Conference on April 05, 2018 at 4:30 p.m. until Defendant is served***

Dear Judge Koeltl:

I represent Plaintiff, Malibu Media, LLC, in the above-referenced matter. Please allow this letter to serve as a motion to adjourn the Initial Pre-Trial Conference scheduled for April 05, 2018 at 4:30 p.m. This matter has been filed as a John Doe, the Internet subscriber assigned the referenced IP address, wherein Plaintiff is claiming defendant's direct infringement of several of Plaintiff's works through the BitTorrent protocol. Plaintiff filed a Motion for Leave to Serve a Third-Party Subpoena on the Defendant's Internet Service Provider seeking Defendant's identity [CM/ECF 6]. On January 29, 2018, Plaintiff was granted leave to serve a third-party subpoena on Defendant's ISP, Charter Communications, to obtain the Defendant's identifying information [CM/ECF 12] and on March 7, 2018, Charter Communications responded to Plaintiff's subpoena.

Upon receipt of Defendant's identifying information, Plaintiff amended its complaint and requested for issuance of summons on March 27, 2018. As of the date of this Motion, a summons has not been issued. However, because Defendant has not been served, Plaintiff has not been able to confer with Defendant. For the foregoing reasons, Plaintiff respectfully requests an adjournment of the initial pretrial conference until after Defendant has been served with the amended complaint. This extension will provide additional time for Plaintiff to effectuate service. Further, this extension will allow Defendant time to retain an attorney, and thereafter the parties can confer regarding the discovery deadlines. This motion is made in good faith and not for the purpose of undue delay. The parties will not be prejudiced by the granting of this extension.

WHEREFORE, we respectfully request that this Court grant Plaintiff's motion for an adjournment of the conference on April 05, 2018.

Respectfully Submitted,

By: /s/ Kevin T. Conway  
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